

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:

Chapter 13

Maureen J Plevin,
Debtor

Case No. 21-24843-kmp

**OBJECTION TO MOTION OF U.S. BANK FOR RELIEF
FROM THE AUTOMATIC STAY**

NOW COMES the Debtor, through undersigned counsel, and respectfully objects to the Motion For Relief From The Automatic Stay filed by U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust (herein “**U.S. Bank**”) on January 28, 2022. As grounds for the objection, the Debtor states as follows:

1. The Debtor objects to U.S. Bank’s motion because it largely restates the same arguments that were presented to the Court in opposition to the Debtor’s motion to continue the automatic stay and in objection to confirmation of the Debtor’s original Chapter 13 plan. Since that time, although a modification was ultimately unsuccessful, the Debtor has now filed an amended plan that cures prepetition arrears in full with maintenance of ongoing direct monthly mortgage payments.

2. In its October 6, 2021 Objection to Confirmation (Docket #27), U.S. Bank stated that it objected “to any plan which proposes to pay it anything less than its full pre-petition arrearage and regular monthly payment over the life of the plan.” The Debtor’s amended plan now proposes exactly what U.S. Bank sought.

3. U.S. Bank does not allege that the Debtor has fallen behind in post-petition mortgage payments, and the Debtor states that she has made all payments required to U.S. Bank and to the Trustee to date. The Debtor has been performing her obligations in this case to the best of her ability and in good faith.

4. With respect to the alleged building violations referenced in U.S. Bank’s motion, the Debtor states that she remedied several of those violations prior to the filing of the case. Of the repairs that remain to be completed, the Debtor states that many of these are relatively minor issues such as painting, repairs to woodwork, trim, and siding, as well as some concrete repairs on the property. However, the Debtor believes that these repairs are not feasibly completed during the winter months, but believes that they can and will be remedied by the spring and/or summer of this year.

5. For these and other reasons, the Debtor respectfully objects to U.S. Bank's motion and requests an opportunity to be heard with respect to this matter.

Dated: February 11, 2022

/s/ **Robert J. Eddington**
Counsel for the Debtor
Bar. No. 1078868
Eddington Law Office LLC
250 E. Wisconsin Ave. #1800
Milwaukee, WI 53202
414-347-5639 (Tel)
414-433-1866 (Fax)

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CERTIFICATE OF SERVICE

The undersigned, an attorney, does hereby certify that on February 11, 2022, he caused a true and correct copy of the attached Objection To Motion Of U.S. Bank For Relief From The Automatic Stay, which were filed with the Court on the same date, to be served on

- (1) The Trustee, the Office of the U.S. Trustee, and any other parties receiving electronic notice by electronic transmission via the Court's CM/ECF filing system; and
- (2) Atty. Michael Dimand, Marinosci Law Group, P.C., 134 N LaSalle St Suite 1900, Chicago, IL 60602, attorneys for U.S. Bank, by U.S. First-Class mail, postage prepaid.

Dated: February 11, 2022

/s/ **Robert J. Eddington**

Counsel for the Debtor

Bar No. 1078868

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